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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,914	03/25/2004	Clifton Lind	988.1071	8059
35236	7590	07/20/2006	EXAMINER	
THE CULBERTSON GROUP, P.C.				COBURN, CORBETT B
1114 LOST CREEK BLVD.				
SUITE 420				
AUSTIN, TX 78746				3714
ART UNIT				
PAPER NUMBER				

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/808,914	LIND ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Corbett B. Coburn	3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1)  Responsive to communication(s) filed on 06 February 2006.
- 2a)  This action is **FINAL**.                    2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4)  Claim(s) 2,3,7-9 and 12-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 2,3,7-9 and 12-19 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some \* c)  None of:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 21 Apr 06.
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 3, 7-9 & 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the publication from the website, [www.bingomania.net](http://www.bingomania.net), which was published April 1999 and printed from <http://web.archive.org/web/19990421101542/http://www.bingomania.net/> (hereafter “BingoMania”) in view of Soltesz et al. (U.S. Patent No. 5,830,069) and Official Notice (as evidenced by Pease et al. (US Patent Number 4,948,138)) .

BingoMania discloses a gaming system and method for conducting bingo-type games over the Internet. Players register for an account at BingoMania and log into their account to begin play. BingoMania allows registered players to play 3 to 100 bingo cards at one time using automatic daubing (via auto-daub or “auto-daube”) or manual daubing (via player input) to indicate which called numbers match numbers on each bingo card. BingoMania, however, does not explicitly teach the specific hardware capable of implementing the bingo-type gaming system. In a related network bingo-type game, Soltesz et al. teach specific hardware capable of implementing the bingo-type gaming system taught by BingoMania. Specifically, Soltesz et al. teach a back office system (central site 10) including a data storage device (computer 1) for storing a number of bingo card representations and for storing a designation set for matching to at least one of the bingo card representations (called numbers from the bingo machine 16).

Player stations (computers 5) include respective displays (screen 12) having a user interface device (screen 12 including touch screen capability as described in col. 3, lines 63-64). The player stations (computers 5) communicate with the back office system (central site 10) for receiving a result associated with at least one of the player bingo card representation. It would have been obvious for one skilled in the art at the time of the invention to incorporate the specific hardware as taught by Soltesz et al. to implement the bingo-type gaming system taught by BingoMania in order to offer players at multiple locations bingo-type games over network as desirably taught by Soltesz et al. (col. 1, lines 54-67). Further, it would have been obvious to substitute an automated control means (the auto-daub of BingoMania) for the manual means (player input via touch screen) of Soltesz et al. to daub bingo cards during game play since it has been recognized that the use of a conventional control to automate a previously manual operation involves only routine skill in the art. *In re Venner*, 120 USPQ 193 (CCPA 1958).

Regarding claims 3, 8, 9, 13 and 14, Soltesz et al. disclose a user interface device (screen 12) including touch screen capability (col. 3, lines 63-64) for announcement of bingo by a player pressing a bingo virtual button on the screen 12. It would have been an obvious matter of design choice to implement the manual daubing of BingoMania using touch screen display 12 of Soltesz et al. since Applicant has not disclosed that manual daubing via a touch screen display solves any stated problem or is for any particular purpose and it appears that the bingo-type game of BingoMania would perform equally well with manual daubing effected with a touch screen or another well-known input device (such as a mouse, a keyboard or a stylus).

Regarding the newly added limitations in claims 16, 18 & 19, Examiner takes official notice of the record-keeping requirement levied on operators of games of chance. As Pease

points out, gaming operators are required to keep records of every play in order to be able to reconstruct games of chance in the event of customer disputes. Thus a bingo operator is required to keep records of matched cards including a number of game play records, each game play record including a respective bingo card representation and each respective bingo card representation being matched to a set of game designations in order to be able to reconstruct games in the event of customer complaints. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified BingoMania & Soltesz in view of Official Notice to include keeping records of all game play in order to meet the requirement of gaming regulations and to resolve customer complaints.

With respect to the separate input to allow players to request automatic daubing, Examiner notes that this would have been well within the capability of one of ordinary skill and would increase player convenience by. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified BingoMania & Soltesz to include a separate input to allow players to request automatic daubing in order to allow a player to choose auto-daubing when a player had two bingo cards.

***Response to Arguments***

3. Applicant's arguments filed 6 February 2006 have been fully considered but they are not persuasive.
4. Applicant argues that extrinsic evidence may not be used to expand the meaning of a reference. However, Applicant has not given any evidence that extrinsic evidence has been used to expand the meaning of the BingoMania reference. Applicant complains that there is no disclosure in BingoMania relating to being able to select either manual or automatic daubing.

However, as Applicant points out on page 11 of his response, if a player plays less than three cards, BingoMania uses manual daubing. If the player has three or more cards, BingoMania has automatic daubing. Thus BingoMania allows the player to select either manual or automatic daubing based on the number of cards played.

*Conclusion*

5. This is an RCE of applicant's earlier Application No. 10/808914. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

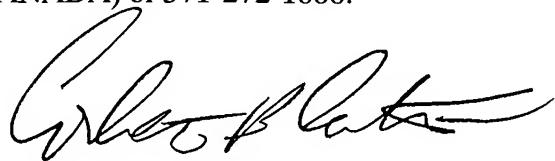
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Corbett B. Coburn  
Primary Examiner  
Art Unit 3714